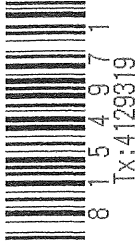


PERMANENT RECORD

RECORDER
VANDERBURGH COUNTY
Z TULEY
2015R00014989
07/01/2015 2:12 PM
RECORDING FEES: 17.00
PAGES: 4



ORDINANCE NO. G-2015-17
Introduced By: **ROBINSON**
Committee: Public Works

PETITIONER: MANN & VANDAGRIFF

AN ORDINANCE TO VACATE CERTAIN PUBLIC WAYS OR PUBLIC PLACES WITHIN THE CITY OF EVANSVILLE, INDIANA, COMMONLY KNOWN AS 806 EAST WALNUT STREET, LOCATED AT A PART OF CANAL STREET IN BALLARD'S ADDITION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK C, PAGE 212 LOCATED IN THE OFFICE OF THE RECORDER OF VANDERBURGH COUNTY, INDIANA, IN THE CITY OF EVANSVILLE, INDIANA, ALL IN THE OFFICE OF THE RECORDER OF VANDERBURGH COUNTY, INDIANA.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section I: That pursuant to EMC 12.05.450, a sworn petition was presented to the Common Council of the City of Evansville, requesting that the public place or public way described in Section III below be vacated by the City of Evansville.

Section II. That after due and proper notice a timely public hearing was convened by the Common Council, at which time all interested persons were permitted to address the Common Council regarding said vacation.

Section III. That the Common Council of the City of Evansville, after due investigation and consideration has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of that part of the public way or public place described as follows, and further indicated by the words "To Be Vacated" on the drawing hereto attached, which is made a part of this Ordinance:

Part of Canal Street in Ballard's Addition, as per plat thereof, recorded in Plat Book C, page 212 in the office of the Recorder of Vanderburgh County, Indiana and being described as follows:

Beginning at the Northwest corner of Lot 1 in Sieffert's Subdivision of Lot 71 in Ballard's Addition, as per plat thereof, recorded in Plat Book C, page 314 in the Office of said Recorder; thence along the extended west line of said Lot 1 and along the extended east right-of-way line of Evans Street, North 01 degree 02 minutes 48 seconds East 60.02 feet to the centerline of Canal Street; thence along the centerline of Canal Street, North 57 degrees 27 minutes 15 seconds East 174.05 feet to the east line of said

DULY ENTERED FOR TAXATION SUBJECT
TO FINAL ACCEPTANCE FOR TRANSFER

JUL 01 2015

Joe Gai
AUDITOR

FILED

MAY 14 2015

Anna Winkler
CITY CLERK

3149 CT

Ballard's Addition; thence along the east line of said Ballard's Addition, South 00 degrees 57 minutes 35 seconds West 59.96 feet to a point on the southeast right-of-way of Canal Street; thence along the southeast right-of-way of Canal Street and along the extended north line and the north line of said Sieffert's Subdivision of Lot 71 in Ballard's Addition, South 57 degrees 27 minutes 15 seconds West 174.16 feet to the point of beginning and containing 8,705 square feet.

Section IV. That the vacation of the public way described in Section III above shall be subject to an easement in favor of Southern Indiana Gas and Electric Company, Inc., doing business as Vectren Energy Delivery of Indiana, and SIGECOM, Inc./WOW, as follows:

Commencing at the Northwest corner of Lot 1 in Sieffert's Subdivision of Lot 71 in Ballard's Addition, as per plat thereof, recorded in Plat Book C, page 314 in the Office of said Recorder; thence along the southeast right-of-way of Canal Street and along the north line of said Sieffert's Subdivision of Lot 71 in Ballard's Addition, North 57 degrees 27 minutes 15 seconds East 163.37 feet to a point located 9 feet west of and perpendicular to the east line of said Ballard's Addition and being the point of beginning; thence parallel with the east line of said Ballard's Addition, North 00 degrees 57 minutes 35 seconds East 59.96 feet to the centerline of Canal Street; thence along the centerline of Canal Street, North 57 degrees 27 minutes 15 seconds East 10.79 feet to the east line of said Ballard's Addition; thence along the east line of said Ballard's Addition, South 00 degrees 57 minutes 35 seconds West 59.96 feet to a point on the southeast right-of-way of Canal Street; thence along the southeast right-of-way of Canal Street and along the extended north line and the north line of said Sieffert's Subdivision of Lot 71 in Ballard's Addition, South 57 degrees 27 minutes 15 seconds West 10.79 feet to the point of beginning and containing 540 square feet.

Therefore, the Common Council of the City of Evansville, Indiana, does hereby find the above-described public way or public place is no longer required for public use and the public interest will be served by such vacation, and the Common Council of the City of Evansville does hereby vacate that portion of the public way or public place described in Section III above subject to the terms and conditions as stated in this Ordinance.



President

ATTEST:

Gemma Widhoro
City Clerk

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said city, the 23 day of June, 2015.

Gemma Widhoro
City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this 23rd day of June, 2015, at 4:15 o'clock.

Ray Quince
Mayor of the City of Evansville, Indiana

THIS INSTRUMENT PREPARED BY: Cory A. Kuhlenschmidt, Bamberger, Foreman, Oswald & Hahn, LLP, 20 NW Fourth Street, 7th Floor, P.O. Box 657, Evansville, Indiana 47704. Telephone: (812) 452-3516.

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

Cory A. Kuhlenschmidt

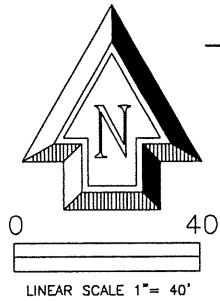
All boundary lines and easements shown on this exhibit are based on a limited number of found monuments, only. The boundary lines shown are not the result of a Retracement Boundary Survey prepared in accordance with Title 865 of the Indiana Administrative Code.

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

82-06-29-024-040.014-029
US Incubator, LLC
815 John Street, Suite 110
Evansville, IN 47713
Document 2003R00051113

LEGEND

⊙ PP	Power Pole	▢ CI	Curb Inlet
⊙ UP	Utility Pole	+ S	Stop Sign
⊙ LP	Light Pole	— OV —	Overhead Utilities
⊙ WV	Water Valve	— OE —	Overhead Electric
⊙ FH	Fire Hydrant	— UW —	Underground Water
⊙ MH	Manhole	— UG —	Underground Gas



82-06-29-024-040.003-029
Canal Street Properties, LLC
P.O. Box 1697
Houston, TX 77251-1697
Document 2005R00027625

Canal Street

Transmission Line—

Evans Street

60' R/W

Part of Canal Street to be vacated 8,705 Sq.Ft.

Lot 63-Block 5
Ballards Addition
Plat Book C, page 212

Lot 1
Macer Subdivision
Plat Book S, page 85
82-06-29-024-106.001-029
Quinton Capital, Inc.
1409 E. Virginia Street
Evansville, IN 47711
Document 2014R00012699

Lot 3
Macer Subdivision
Plat Book S, page 85
82-06-29-024-106.002-029
Macer Development, LLC
P.O. Box 6583
Evansville, IN 47719

82-06-29-024-040.029-029
Mann & Vandagriff Limited Partnership
310 S. Evans Avenue
Evansville, IN 47713
Deed Drawer 14, card 9350

82-06-29-024-040.020-029
No Names Anonymous, Inc.
770 E. Walnut Street
Evansville, IN 47713
Deed Drawer 12, card 353

PROJECT NO.: 15-2034
DRAWN BY: BUEDEL
FILENAME: CANAL STREET VACATION
SCALE: 1" = 40'
DATE: 2/25/2015

PROJECT: SIEFFERT'S ADDITION
SHEET TITLE: CANAL STREET VACATION EXHIBIT
CLIENT: MANN & VANDAGRIFF LIMITED PARTNERSHIP
310 S. EVANS AVENUE
EVANSVILLE, IN 47713



CASH WAGNER
& ASSOCIATES, PC
CONSULTING ENGINEERS • LAND SURVEYORS
WWW.CASHWAGNER.COM

414 CITADEL CIRCLE
SUITE B
EVANSVILLE, IN 47715
PH: 812.401-5561
FAX: 812.401-5563

PERMANENT RECORD

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH) ORDINANCE NO, G-2015- 17

BEFORE THE COMMON COUNCIL OF THE CITY OF EVANSVILLE

SWORN PETITION FOR VACATION

Pursuant to Section 12.05.450 of the Municipal Code of the City of Evansville, Indiana, Mann & Vandagriff Limited Partnership ("Mann & Vandagriff") by counsel, hereby petitions the Common Council of the City of Evansville, Indiana, to vacate part of the public way of Canal Street briefly described as a part of Canal Street in Ballard's Addition, as per plat thereof, recorded in Plat Book C, page 212 located in the Office of the Recorder of Vanderburgh County, Indiana, in the City of Evansville, Indiana (the "Public Way"). In support of this Petition, Mann & Vandagriff states as follows.

1. Mann & Vandagriff is an Indiana limited partnership located at 2199 Ledgewood Court, Newburgh, Indiana 47630. The names and mailing addresses of the partners are set forth on Exhibit "A."
2. Mann & Vandagriff owns the real estate adjacent to the Public Way and has plans to expand the current parking facilities on the property.
3. The Public Way is not used or maintained as a public road or right-of-way.
4. The legal description of the Public Way, signed and certified by an Indiana registered surveyor, is attached hereto and incorporated herein as Exhibit "B."
5. The correct names and addresses and zip codes of all owners of land within two hundred (200) feet of the Public Way are shown on Exhibit "C," attached hereto.

FILED

MAY 14 2015


Anna Winkler
CITY CLERK

6. A site plan and location map showing the general location, the existing conditions and proposed changes with the Public Way marked "TO BE VACATED" is attached hereto and made a part hereof as Exhibit "D."

7. **The vacation of the Public Way is subject to an easement in favor of Southern Indiana Gas and Electric Company, Inc., d/b/a Vectren Energy Delivery of Indiana and SIGECOM, Inc./WOW as shown by legal description and site plan, along with correspondence from those utilities, attached hereto and made a part hereof as Exhibit "E".** There is no negative impact on traffic flow according to the Evansville Fire Department and Traffic Engineer, and no other utilities have requested easements, all of which is reflected in the attached correspondence as Exhibit "F."

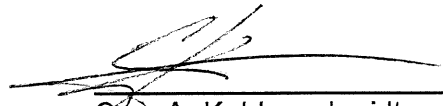
WHEREFORE, Mann & Vandagriff respectfully requests the Common Council of the City of Evansville to vacate the Public Way.

MANN & VANDAGRIFF LIMITED PARTNERSHIP



Larry J. Vandagriff, General Partner

APPROVED AS TO FORM



Cory A. Kuhlenschmidt IN #23040-49
Bamberger, Foreman, Oswald & Hahn, LLP
20 NW Fourth Street, 7th Floor, P.O. Box 657
Evansville, Indiana 47704
Phone: (812) 452-3516
Fax: (812) 421-4936
Attorney for Petitioner

STATE OF INDIANA)
COUNTY OF VANDERBURGH)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 5th day of May, 2015.

Witness my hand and Notarial Seal this 5 day of May, 2015.

Warrick
My County of residence is
11-9-19 County
My Commission Expires:

L:\LIB\DOCS\41268\REALEST\14W8586.DOCX

Sharon Bradford, Notary
Notary Public
Sharon Bradford, Notary
Printed Name

Notary for Larry J Vandagriff



SHARON K. BRADFORD
Resident of Warrick County, IN
Commission Expires: Nov. 9, 2019

EXHIBIT "A"

Larry J. Vandagriff
General Partner
2199 Ledgewood Court
Newburgh, IN 47630

Mildred F. Mann
General Partner
20802 North Grayhawk Drive
Unit #1131
Scottsdale, AZ 85255

EXHIBIT "B"

Vacation Description

Part of Canal Street in Ballard's Addition, as per plat thereof, recorded in Plat Book C, page 212 in the office of the Recorder of Vanderburgh County, Indiana and being described as follows:

Beginning at the Northwest corner of Lot 1 in Sieffert's Subdivision of Lot 71 in Ballard's Addition, as per plat thereof, recorded in Plat Book C, page 314 in the Office of said Recorder; thence along the extended west line of said Lot 1 and along the extended east right-of-way line of Evans Street, North 01 degree 02 minutes 48 seconds East 60.02 feet to the centerline of Canal Street; thence along the centerline of Canal Street, North 57 degrees 27 minutes 15 seconds East 174.05 feet to the east line of said Ballard's Addition; thence along the east line of said Ballard's Addition, South 00 degrees 57 minutes 35 seconds West 59.96 feet to a point on the southeast right-of-way of Canal Street; thence along the southeast right-of-way of Canal Street and along the extended north line and the north line of said Sieffert's Subdivision of Lot 71 in Ballard's Addition, South 57 degrees 27 minutes 15 seconds West 174.16 feet to the point of beginning and containing 8,705 square feet.

A handwritten signature in black ink, appearing to read 'S. Buedel', with a stylized flourish at the end.

Scott D. Buedel, PLS

EXHIBIT "C"

PROPERTY OWNERS WITHIN 200 FEET

82-06-29-024-040.003-029
Canal Street Properties, LLC
P.O. Box 1697
Houston, TX 77251-1697

82-06-29-024-040.014-029
US Incubator, LLC
815 John Street, Suite 110
Evansville, IN 47713

82-06-29-024-106.002-029
Macer Development, LLC
P.O. Box 6583
Evansville, IN 47719

82-06-29-024-040.020-029
No Names Anonymous, Inc.
770 E. Walnut Street
Evansville, IN 47713

82-06-29-024-106.001-029
Quinton Capital, Inc.
1409 E. Virginia Street
Evansville, IN 47711-5730

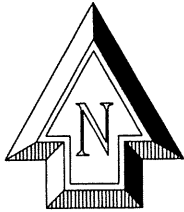
EXHIBIT "D"

All boundary lines and easements shown on this exhibit are based on a limited number of found monuments, only. The boundary lines shown are not the result of a Retracement Boundary Survey prepared in accordance with Title 865 of the Indiana Administrative Code.

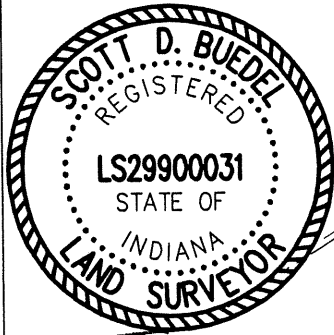
This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

82-06-29-024-040.014-029
US Incubator, LLC
815 John Street, Suite 110
Evansville, IN 47713
Document 2003R00051113

LEGEND



0 40
LINEAR SCALE 1" = 40'



82-06-29-024-040.003-029
Canal Street Properties, LLC
P.O. Box 1697
Houston, TX 77251-1697
Document 2005R00027625

Canal Street

82-06-29-024-040.020-029
No Names Anonymous, Inc.
770 E. Walnut Street
Evansville, IN 47713
Deed Drawer 12, card 355

Evans Street

60' R/W

- | | | | |
|------|--------------|--------|--------------------|
| ○ PP | Power Pole | ■ CI | Curb Inlet |
| ○ UP | Utility Pole | + S | Stop Sign |
| ⊗ LP | Light Pole | — OV — | Overhead Utilities |
| • WV | Water Valve | — OE — | Overhead Electric |
| ⌵ FH | Fire Hydrant | — UW — | Underground Water |
| ○ MH | Manhole | — UG — | Underground Gas |

Part of Canal Street
to be vacated
8,705 Sq.Ft.

N 01°02'48" E 60.02'
S 57°27'15" W 174.16'

Lot 1
Lot 2
Lot 3
Lot 4
Lot 5

Lot 69

Lot 67

Lot 65

82-06-29-024-040.029-029
Mann & Vandagriff Limited Partnership
310 S. Evans Avenue
Evansville, IN 47713
Deed Drawer 14, card 9350

Lot 63-Block 5
Ballards Addition
Plat Book C, page 212

Lot 6 - Sieffert's
Subdivision
Lot 7 - Sieffert's
Subdivision

Existing Building

Vacated 6' Alley

Lot 1
Macer Subdivision
Plat Book S, page 85
82-06-29-024-106.001-029
Quinton Capital, Inc.
1409 E. Virginia Street
Evansville, IN 47711
Document 2014R00012699

Lot 3
Macer Subdivision
Plat Book S, page 85
82-06-29-024-106.002-029
Macer Development, LLC
P.O. Box 6583
Evansville, IN 47719

414 CITADEL CIRCLE
SUITE 8
EVANSVILLE, IN 47715
PH: 812.401-5561
FAX: 812.401-5563

PROJECT NO.: 15-2034

DRAWN BY: BUEDEL

FILENAME: CANAL STREET VACATION

SCALE: 1" = 40'

DATE: 2/25/2015

PROJECT

SIEFFERT'S ADDITION

SHEET

CANAL STREET
VACATION EXHIBIT

CLIENT

MAN & VANDAGRIFF
LIMITED PARTNERSHIP
310 S. EVANS AVENUE
EVANSVILLE, IN 47713



CASH WAGGNER

& ASSOCIATES, PC

CONSULTING ENGINEERS • LAND SURVEYORS
WWW.CASHWAGGNER.COM

EXHIBIT "E"

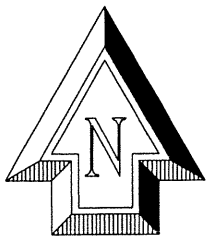
Retained Easement Description

Part of Canal Street in Ballard's Addition, as per plat thereof, recorded in Plat Book C, page 212 in the office of the Recorder of Vanderburgh County, Indiana and being described as follows:

Commencing at the Northwest corner of Lot 1 in Sieffert's Subdivision of Lot 71 in Ballard's Addition, as per plat thereof, recorded in Plat Book C, page 314 in the Office of said Recorder; thence along the southeast right-of-way of Canal Street and along the north line of said Sieffert's Subdivision of Lot 71 in Ballard's Addition, North 57 degrees 27 minutes 15 seconds East 163.37 feet to a point located 9 feet west of and perpendicular to the east line of said Ballard's Addition and being the point of beginning; thence parallel with the east line of said Ballard's Addition, North 00 degrees 57 minutes 35 seconds East 59.96 feet to the centerline of Canal Street; thence along the centerline of Canal Street, North 57 degrees 27 minutes 15 seconds East 10.79 feet to the east line of said Ballard's Addition; thence along the east line of said Ballard's Addition, South 00 degrees 57 minutes 35 seconds West 59.96 feet to a point on the southeast right-of-way of Canal Street; thence along the southeast right-of-way of Canal Street and along the extended north line and the north line of said Sieffert's Subdivision of Lot 71 in Ballard's Addition, South 57 degrees 27 minutes 15 seconds West 10.79 feet to the point of beginning and containing 540 square feet.

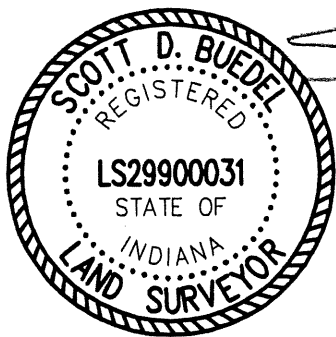
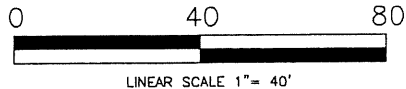
A handwritten signature in black ink, appearing to read 'S. Buedel', with a stylized flourish at the end.

Scott D. Buedel, PLS



LEGEND

- VP Utility Pole
- ⊗ LP Light Pole
- OU Overhead Utilities
- OE Overhead Electric



82-06-29-024-040.014-029
VS Incubator, LLC
815 John Street, Suite 110
Evansville, IN 47713
Document 2003R00051113

82-06-29-024-040.003-029
Canal Street Properties, LLC
P.O. Box 1697
Houston, TX 77251-1697
Document 2005R00027625

N 57°27'15" E 10.79'

N 00°57'35" E 59.96'

Hatched Area is a 9' Easement to
be retained by Vectren & WOW
540 Sq.Ft.

P.O.B.

S 57°27'15" W 10.79'

Canal Street

P.O.C.

Lot 1

Lot 2

Lot 3

Lot 4

Lot 5

Lot 6 - Sieffert's
Subdivision

Lot 7 - Sieffert's
Subdivision

Lot 1
Macer Subdivision
Plat Book S, page 85

Lot 69

Lot 67

Lot 65

Existing Building

Lot 63-Block 5
Ballards Addition
Plat Book C, page 212

Evans Street

60' R/W

Vacated 6' Alley

Lot 3
Macer Subdivision
Plat Book S, page 85

PROJECT NO.: 15-2034

DRAWN BY: BUEDEL

FILENAME: CANAL
STREET VACATION

SCALE: 1" = 40'

DATE: 4/7/2015

PROJECT

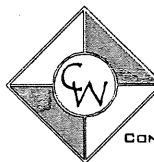
SIEFFERT'S ADDITION

SHEET
TITLE

EASEMENT TO BE RETAINED
WITHIN THE "AREA TO BE VACATED"

CLIENT

MANN & VANDAGRIFF
LIMITED PARTNERSHIP
310 S. EVANS AVENUE
EVANSVILLE, IN 47713



CASH WAGGNER

& ASSOCIATES, PC

CONSULTING ENGINEERS • LAND SURVEYORS
WWW.CASHWAGGNER.COM

414 CITADEL CIRCLE
SUITE B
EVANSVILLE, IN 47715
PH: 812.401-5561
FAX: 812.401-5563



Vectren Corporation
P.O. Box 209
Evansville, IN 47702-0209

April 7, 2015

Bamberger, Foreman, Oswald & Hahn, LLP
Attn: Cory A. Kuhlenschmidt
20 NW 4th Street, 7th Floor Hulman Building
P.O. Box 657
Evansville, IN. 47704

Re: Petition to Vacate a portion of Canal Street in Ballard's Addition, a per plat thereof, recorded in Plat Book C, Page 212 in the office of the Recorder of Vanderburgh County, Indiana and being more particularly described and shown on the attached exhibits.

Petitioner: Mann & Vandagriff, L.P.

Dear Mr. Kuhlenschmidt:

Engineering representatives for Southern Indiana Gas and Electric Company, Inc. doing business as Vectren Energy Delivery of Indiana ("VEDI") have researched the above location requested for vacation and there are currently existing electric facilities within the eastern end of the subject right of way. Therefore, the vacation ordinance should include the below Electric line easement language to reserve our rights.

Southern Indiana Gas and Electric Company, Inc. d/b/a Vectren Energy Delivery of Indiana, hereinafter referred to as Company reserves the following easement rights:

Electric line:

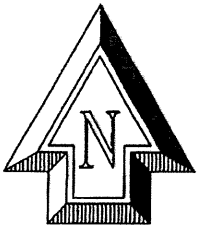
An easement with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground, whether facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission and distribution of electric energy, upon, over, under and across said strip of land NINE (9) feet in width, centerline as installed, as shown on the attached drawing, made a part hereof, and marked "Exhibit A", together with the right of ingress and egress over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strips of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

The above rights must be reserved in the ordinance for Southern Indiana Gas and Electric Company/Vectren to approve said vacation.

Please forward to my attention a copy of the recorded ordinance upon passing for our records.

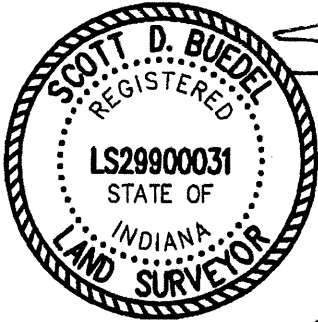
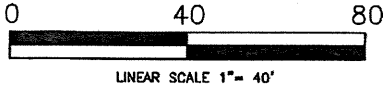
Sincerely,

Colby Morris
Land Services, Right of Way Agent
Vectren Energy Delivery of Indiana
(812) 491-4785



LEGEND

- ⊙ VP Utility Pole
- ⊙ LP Light Pole
- OU Overhead Utilities
- OE Overhead Electric



82-06-29-024-040.014-029
US Incubator, LLC
815 John Street, Suite 110
Evansville, IN 47713
Document 2003R00051113

82-06-29-024-040.003-029
Canal Street Properties, LLC
P.O. Box 1697
Houston, TX 77251-1697
Document 2005R00027625

N 57°27'15" E 10.79'

N 00°57'35" E 59.96'

Hatched Area is a 9' Easement to
be retained by Vectren & WOW
540 Sq.Ft.

P.O.B.

S 57°27'15" W
10.79'

Lot 1
Macer Subdivision
Plat Book S, page 85

Lot 3
Macer Subdivision
Plat Book S, page 85

Lot 63-Block 5
Ballards Addition
Plat Book C, page 212

Canal Street

Canal Street

Evans Street

60' R/W

P.O.C.

Lot 1

Lot 2

Lot 3

Lot 4

Lot 5

Lot 6 - Siefert's
Subdivision

Lot 7 - Siefert's
Subdivision

Lot 69

Lot 67

Lot 65

Existing Building

PROJECT NO.: 15-2034

DRAWN BY: BUEDEL

FILENAME: CANAL
STREET VACATION

SCALE: 1" = 40'

DATE: 4/7/2015

PROJECT:

SIEFFERT'S ADDITION

SHEET
TITLE

EASEMENT TO BE RETAINED
WITHIN THE 'AREA TO BE VACATED'

CLIENT

MANN & VANDAGRIFF
LIMITED PARTNERSHIP
310 S. EVANS AVENUE
EVANSVILLE, IN 47713



CASH WAGNER

& ASSOCIATES, PC

CONSULTING ENGINEERS • LAND SURVEYORS
WWW.CASHWAGNER.COM

414 CITADEL CIRCLE
SUITE B
EVANSVILLE, IN 47718
PH: 812.401-5561
FAX: 812.401-5563



It's that kind of experience.

March 16, 2015

Cory A. Kuhlenschmidt
20 N.W. 4th Street
P.O. Box 645
Evansville, IN. 47704

Attn: Cory A. Kuhlenschmidt

RE: Petition for Vacation of Canal Street Right-of-Way

Dear Mr. Kuhlenschmidt:

The SIGECOM/WOW Outside Plant Engineering department reviewed the attach drawing of Canal Street in Ballard's Addition, as per plat thereof, recorded in Plat Book C, page 212 in the office of the Recorder of Vanderburgh County, Indiana. The findings of this review determined that SIGECOM/WOW does have facilities within the 6 foot section of the east side of purposed Right-of-Way of Canal Street.

As a result of these findings, SIGECOM/WOW does not object to the proposed vacation and will need to retain a 6 foot easement granted in its favor along the eastside of Canal Street for placement and maintenance of telecommunication facilities that lies within this said vacation petition.

This letter granted by SIGECOM/WOW for conditional vacation is valid for one hundred and eighty (180) days.

Please contact my office should you have any questions or need any additional information.

Sincerely,

Rick Bowen
Construction Engineer
SIGECOM/WOW
812-437-0395
rick_bowen@wideopenwest.com

Cc: file

EXHIBIT "F"



LLOYD WINNECKE
MAYOR

MIKE CONNELLY
FIRE CHIEF

550 S.E. Eighth St. • Evansville, IN 47713-1786
(812) 435-6235 • FAX: (812) 435-6248 • TDD/Hearing Impaired: (812) 436-4925

March 31, 2015

Cory A. Kuhlenschmidt
Bamberger, Foreman, Oswald & Hahn, LLP
20 N.W. 4th Street
PO Box 657
Evansville, IN 47704

RE: Petition for Vacation of Right-of-Way – Streets and Alleys listed below;

Mr. Kuhlenschmidt;

We recognize & acknowledge request for Vacation Right-of-way of the following area referenced on the Canal Street Vacation Exhibit of Ballard's Addition, adjacent to Lots 1-7 of Sieffert's Subdivision and Lot 1 of Macer's Subdivision, Vanderburgh County, Indiana.

- 1) Roadway, running northeast/southwest, between Evans Street and Lot 1 of Macer's Subdivision. The north and south borders of said roadway are parallel, but not equal in length. The north border is 174' +/- with eastern terminus at the west edge of Macer's Lot 1 and western terminus at the approximate east edge of Evans Street. The south border is 174' +/- with eastern terminus at the west edge of Macer's Lot 1 and western terminus at the approximate east edge of Evans Street and lying adjacent to the northern edge of Sieffert's Lots 1-7. *See Vacation Exhibit for exact description.*

Existing Conditions: Street/Roadway

Effect of Vacation on Fire Department: none

Recommendations: The Evansville Fire Department has no objection in closing of above referenced street/roadway.

Sincerely,

Dan Grimm

Chief Fire Marshal
Fire Prevention & Education
Evansville Fire Department
550 SE 8th Street
Evansville, IN 47713
812.436.4428





City Engineer's Office
CIVIC CENTER COMPLEX, ROOM 321
1 N.W. MARTIN LUTHER KING, JR. BLVD.
EVANSVILLE, INDIANA 47708-1875
Phone: (812) 436-4990 FAX: (812) 436-4976
TDD/Hearing Impaired (812) 436-4934

LLOYD WINNECKE
MAYOR

BRENT A. SCHMITT, P.E.
CITY ENGINEER

March 24, 2015

Mr. Cory A. Kuhlenschmidt
Bamberger Attorneys at Law
P.O. Box 657
Newburgh, Indiana 47630

Re: Canal Street - Proposed Vacation of Public Way

Dear Mr. Kuhlenschmidt:

In regards to the above referenced subject and your letter dated March 4, 2015, the following comments are provided:

The area proposed for vacation contains an unimproved "green area" and an existing commercial drive to Johnstone Supply. Your letter dated March 4, 2015, and supplied exhibit dated 2/25/15, are attached for reference. Our record search found no public facilities under the jurisdiction of this office situated within the area proposed for vacation. As such, vacation of this area would have no effect on future plans of this office. This office has no objections to the proposed vacation. Any plans for future improvements in this area will require the necessary submittals, approvals, and permitting procedures.

Thank you and please feel free to contact me if you have any questions.

Sincerely,

City Engineer's Office

A handwritten signature in black ink, appearing to read "Chris Weil", is written over a horizontal line.

By: Chris Weil, P.E.
Assistant City Engineer

Attachments

Cc: File



Bamberger, Foreman,
Oswald & Hahn, LLP

Cory A. Kuhlenschmidt
Direct phone: (812) 452-3516
Email: ckuhlenschmidt@bamberger.com

March 4, 2015

VIA EMAIL: bschmitt@evansville.IN.gov

City Engineer's Office
Attention: Brent A. Schmitt, P.E.
Civic Center Complex, Room 321
1 NW Martin Luther King, Jr. Blvd.
Evansville, IN 47708-1875

Re: Petition for Vacation of Canal Street Right-of-Way

Dear Mr. Schmitt:

Our law firm represents Mann & Vandagriff, L.P., which desires to construct a parking lot adjacent to Canal Street in Evansville, Indiana. Our client plans to petition the Evansville City Council for the vacation of a right-of-way area of Canal Street. In that regard, attached are the following documents:

1. Vacation Legal Description; and
2. Canal Street Vacation Exhibit.

In connection with the Petition to Vacate, we need to provide an attachment concerning your assessment of the impact of the proposed vacation on traffic flow, accessibility of emergency equipment and any other matter concerning public safety.

After reviewing the attached documents, please advise if you have any objections to the proposed vacation.

We look forward to hearing from you and please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cory A. Kuhlenschmidt', written over a horizontal line.

Cory A. Kuhlenschmidt
Bamberger, Foreman,
Oswald & Hahn, LLP

CAK/hc
Enclosures
cc: Mrs. Letty Nestrick (via email)

L:\LIB\DOCS\41268\CORR\15B9562.DOC

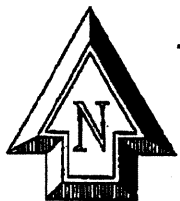
7th Floor Hulman Building | 20 N.W. 4th Street | Post Office Box 657 | Evansville, IN 47704
Tel: 812.425.1591 | Fax: 812.421.4936 | www.bamberger.com

All boundary lines and easements shown on this exhibit are based on a limited number of found monuments, only. The boundary lines shown are not the result of a Retacement Boundary Survey prepared in accordance with Title 865 of the Indiana Administrative Code.

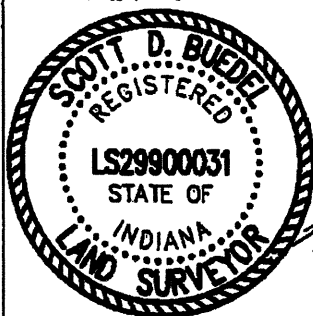
This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

82-06-29-024-040.014-029
US Incubator, LLC
815 John Street, Suite 110
Evansville, IN 47713
Document 2005R00051113

LEGEND

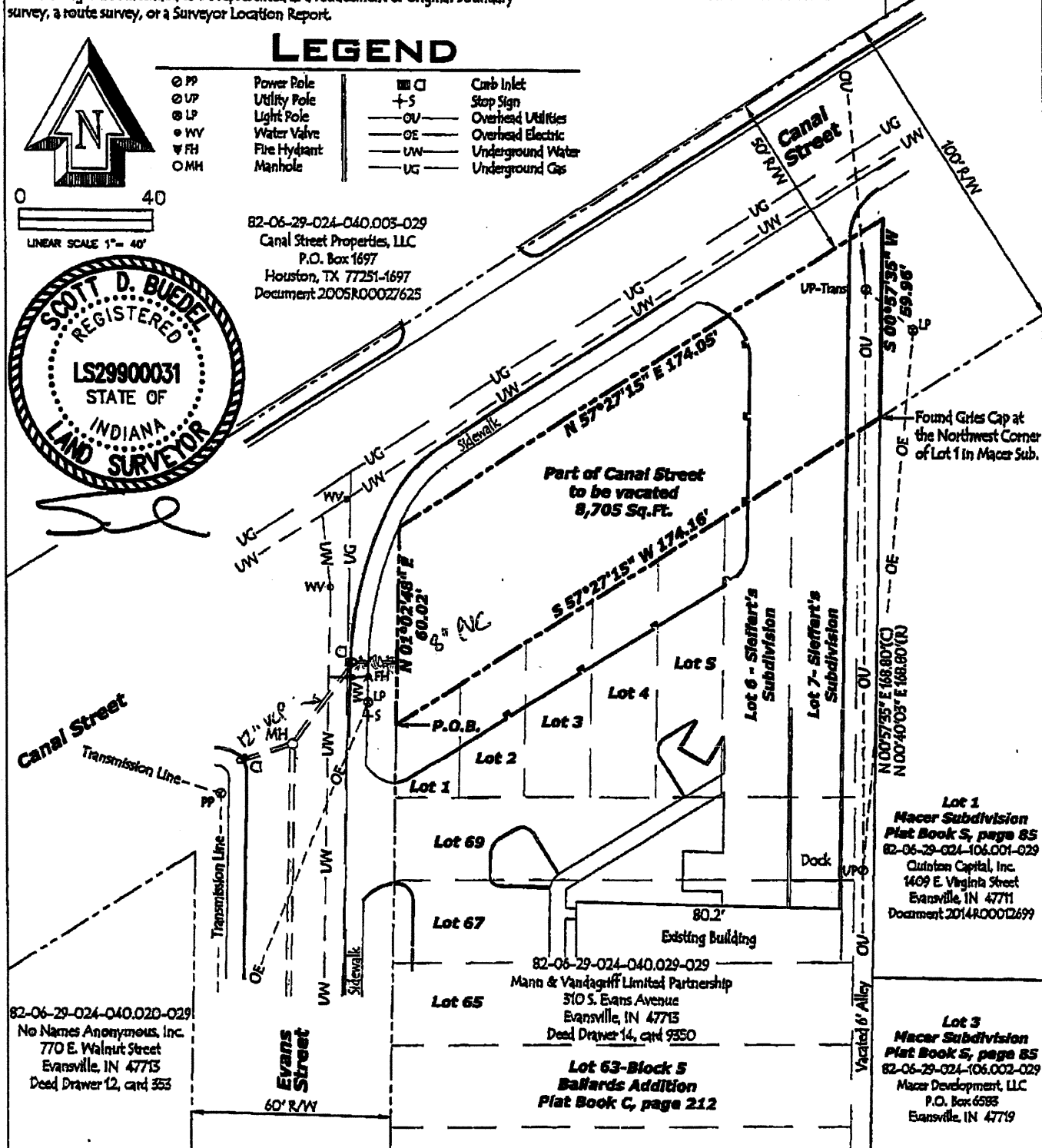


0 40
LINEAR SCALE 1" = 40'



82-06-29-024-040.005-029
Canal Street Properties, LLC
P.O. Box 1697
Houston, TX 77251-1697
Document 2005R00027625

PP	Power Pole	CI	Curb Inlet
UP	Utility Pole	+S	Stop Sign
LP	Light Pole	OU	Overhead Utilities
WV	Water Valve	OE	Overhead Electric
FH	Fire Hydrant	UW	Underground Water
MH	Manhole	UG	Underground Gas



82-06-29-024-040.020-029
No Names Anonymous, Inc.
770 E. Walnut Street
Evansville, IN 47713
Deed Drawer 12, card 353

Lot 1
Macer Subdivision
Plat Book S, page 85
82-06-29-024-106.001-029
Clinton Capital, Inc.
1409 E. Virginia Street
Evansville, IN 47711
Document 2014R00002699

Lot 3
Macer Subdivision
Plat Book S, page 85
82-06-29-024-106.002-029
Macer Development, LLC
P.O. Box 6588
Evansville, IN 47719

82-06-29-024-040.029-029
Mann & Vandagriff Limited Partnership
310 S. Evans Avenue
Evansville, IN 47713
Deed Drawer 14, card 9350

Lot 63-Block 5
Ballards Addition
Plat Book C, page 212

PROJECT NO.	15-3034	PROJECT	SIEFFERT'S ADDITION	<p>CASH WAGNER & ASSOCIATES, P.C. CONSULTING ENGINEERS • LAND SURVEYORS WWW.CASH-WAGNER.COM</p>
DRAWN BY	BUEDEL	SHEET TITLE	CANAL STREET VARIATION EXHIBIT	
PREPARED BY	CANAL STREET VARIATION	CLIENT	<p>MAN & VANDAGRIFF LIMITED PARTNERSHIP 310 S. EVANS AVENUE EVANSVILLE, IN 47713</p>	
SCALE	1" = 40'			
DATE	3/3/2015			<p>414 OTTAWA DRIVE SUITE 8 EVANSVILLE, IN 47713 PH: 812.401-5551 FAX: 812.401-5553</p>

Vacation Description

Part of Canal Street in Ballard's Addition, as per plat thereof, recorded in Plat Book C, page 212 in the office of the Recorder of Vanderburgh County, Indiana and being described as follows:

Beginning at the Northwest corner of Lot 1 in Sieffert's Subdivision of Lot 71 in Ballard's Addition, as per plat thereof, recorded in Plat Book C, page 314 in the Office of said Recorder; thence along the extended west line of said Lot 1 and along the extended east right-of-way line of Evans Street, North 01 degree 02 minutes 48 seconds East 60.02 feet to the centerline of Canal Street; thence along the centerline of Canal Street, North 57 degrees 27 minutes 15 seconds East 174.05 feet to the east line of said Ballard's Addition; thence along the east line of said Ballard's Addition, South 00 degrees 57 minutes 35 seconds West 59.96 feet to a point on the southeast right-of-way of Canal Street; thence along the southeast right-of-way of Canal Street and along the extended north line and the north line of said Sieffert's Subdivision of Lot 71 in Ballard's Addition, South 57 degrees 27 minutes 15 seconds West 174.16 feet to the point of beginning and containing 8,705 square feet.



Scott D. Buedel, PLS



AT&T Indiana
134 NW Sixth Street
Evansville, IN 47708

T: 812-464-6055
F: 812-464-6120
www.att.com

March 5, 2015

Cory A. Kuhlenschmidt
Bamberger, Foreman, Oswald, and Hahn, LLP
20 N.W. 4th Street
P.O. Box 657
Evansville, Indiana 47704

Re: Petition for Vacation of Canal Street Right-of-Way

Dear Mr. Kuhlenschmidt,

This letter is in response to your request to have a portion of Canal Street right-of-way vacated. In your 3/4/15 email request, you included a drawing titled "Canal Street Vacation Exhibit" which depicts the portion of the right-of-way you would like to have vacated.

I have reviewed our records for the area indicated on the Vacation Exhibit, and found that AT&T does not have facilities located within this portion of the road right-of-way. As such, AT&T has no objections to the vacation of this portion of the Canal Street road right-of-way.

Please let me know if you have any questions or concerns regarding your project.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew J. Folz". The signature is stylized with a large, looped "A" and a distinct "F".

Andrew J. Folz
AT&T Indiana
Engineer

All boundary lines and easements shown on this exhibit are based on a limited number of found monuments, only. The boundary lines shown are not the result of a Retracement Boundary Survey prepared in accordance with Title 865 of the Indiana Administrative Code.

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

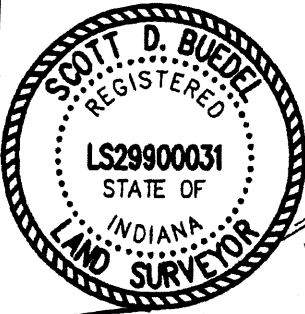
82-06-29-024-040.014-029
US Incubator, LLC
815 John Street, Suite 110
Evansville, IN 47713
Document 2003R00051113

LEGEND

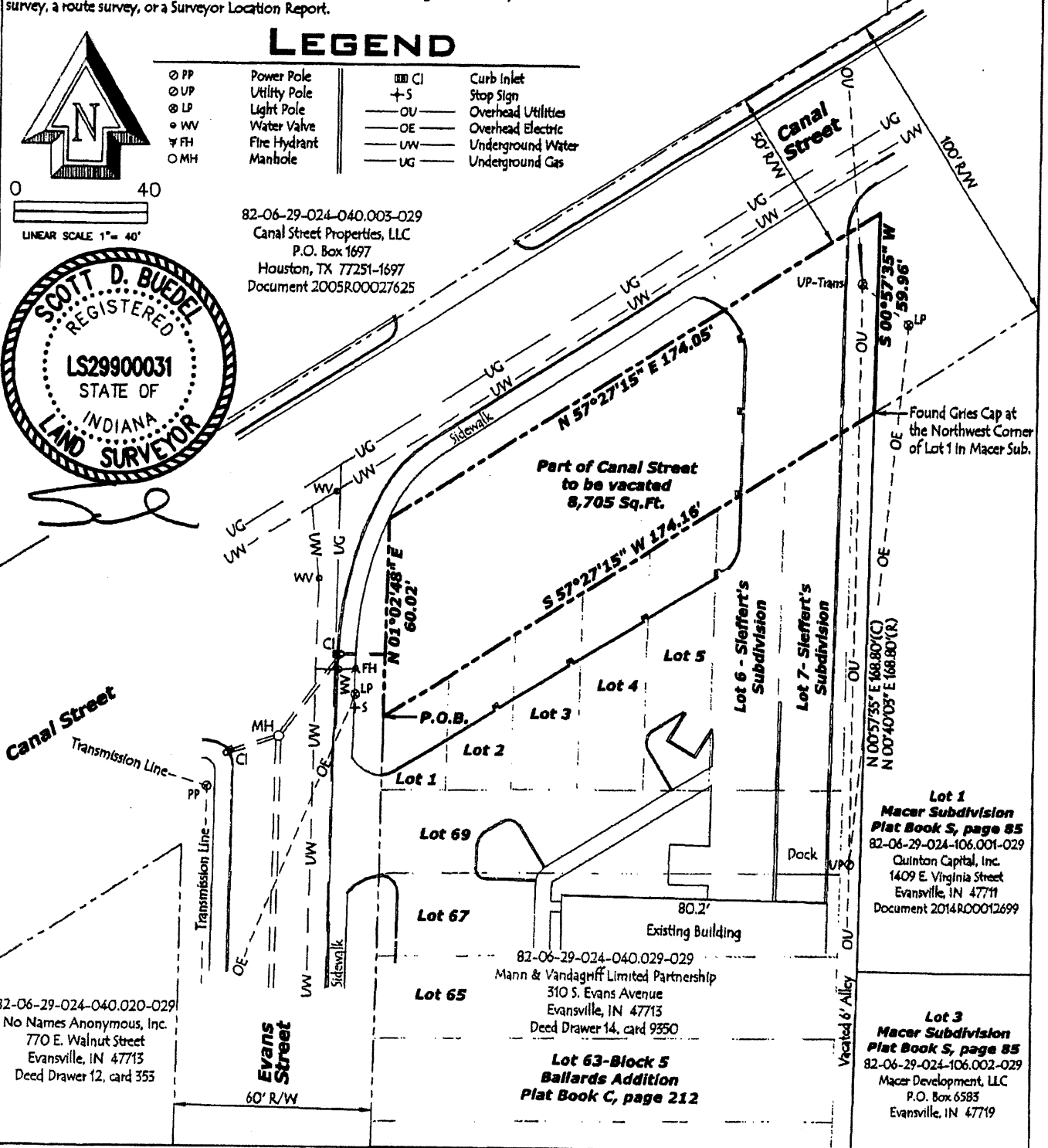
⊙ PP	Power Pole	⊠ CI	Curb Inlet
⊙ UP	Utility Pole	+ S	Stop Sign
⊙ LP	Light Pole	— OU —	Overhead Utilities
⊙ WV	Water Valve	— OE —	Overhead Electric
⊙ FH	Fire Hydrant	— UW —	Underground Water
⊙ MH	Manhole	— UG —	Underground Gas



0 40
LINEAR SCALE 1" = 40'



82-06-29-024-040.003-029
Canal Street Properties, LLC
P.O. Box 1697
Houston, TX 77251-1697
Document 2005R00027625



PROJECT NO.: 15-2034
DRAWN BY: BUEDEL
FILE NAME: CANAL STREET VACATION
SCALE: 1" = 40'
DATE: 2/25/2015

PROJECT: SIEFFERT'S ADDITION
SHEET TITLE: CANAL STREET VACATION EXHIBIT
CLIENT: MANN & VANDAGRIFF LIMITED PARTNERSHIP
310 S. EVANS AVENUE
EVANSVILLE, IN 47713



CASH WAGGNER & ASSOCIATES, PC
CONSULTING ENGINEERS • LAND SURVEYORS
WWW.CASHWAGGNER.COM

414 CITADEL CIRCLE
SUITE B
EVANSVILLE, IN 47716
PH: 812.401.6661
FAX: 812.401.5563



LLOYD WINNECKE
MAYOR

EVANSVILLE WATER & SEWER UTILITY

ALLEN R. MOUNTS
DIRECTOR

1 NW Martin Luther King Blvd. Room 104 • Evansville, Indiana 47708
P O Box 19, Evansville, Indiana 47740-0001
(812) 436-7846 • FAX (812) 436-7863 • TDD (812) 436-7864

March 19, 2015

Mr. Cory A. Kuhlenschmidt
Bamberger, Foreman, Oswald & Hahn, LLP
20 N.W. 4th Street, 7th Floor
Evansville, IN 47704

Re.: Proposed Vacation – Right of Way Canal Street, South side Evans Street to Alleyway

Mr. Kuhlenschmidt,

This revised letter is in response to your request to vacate existing right of way along Canal Street as referenced above. The Evansville Water and Sewer Utility (EWSU) have the following requirements:

The EWSU has no reservations to your request.

If you have any questions, please call me at 421-2130 x2228.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael Labitzke".

Michael D. Labitzke, PE
Deputy Director of Utilities - Engineering



March 6, 2015

Helen Cunningham, Legal Assistant to Cory A. Kuhlenschmidt
Bamberger, Foreman, Oswald & Hahn, LLP
20 N.W. 4th Street
PO Box 657
Evansville, IN 47704

SUBJECT: Abandonment of 15' Utility Easement located at Sieffert's Addition – Canal Street
Vacation Evansville, IN

We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby grants the abandonment of 15' Utility Easement located at Sieffert's Addition – Canal Street in Evansville, IN.

If applicable, please contact the Indiana Excavation Safety System Indiana811 or 1-800-382-5544 to have facilities marked & located within affected easements before any excavations are started.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to west-engineering-relo@twcable.com. Please share this information with whoever needs these services.

Sincerely,

Lisa Law
Manager of Data Operations
Time Warner Cable
750 Canyon Drive
Coppell, TX 75019
1-972-537-5323

Siebert's Addition
TWC - Aerial Cable

Canal Street
Evans Street



